

or second time is guilty of a class B misdemeanor.

(b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8 ~~§~~→ or Section 76-5-207 ~~←~~§ .

(c) A person who violates Subsection (2) is guilty of a class A misdemeanor if the person:

(i) has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;

(ii) had a passenger under 16 years old in the vehicle at the time of the offense;

(iii) was 21 years old or older and had a passenger under 18 years old in the vehicle at the time of the offense; or

(iv) at the time of the violation of Subsection (2), also violated Section 41-6a-712 or 41-6a-714.

(d) A person who violates Subsection (2) is guilty of a third degree felony if:

(i) the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner; or

(ii) the person is also guilty of automobile homicide under Section 76-5-207.

(5) A person who violates Subsection (2) is guilty of a third degree felony if:

(a) the person has two or more prior convictions as defined in Subsection 41-6a-501(2), each of which is within 10 years of:

(i) the current conviction under Subsection (2); or

(ii) the commission of the offense upon which the current conviction is based; or

(b) the conviction under Subsection (2) is at any time after a conviction of:

(i) automobile homicide under Section 76-5-207 that is committed after July 1, 2001;

(ii) a felony violation of Section 41-6a-502, Subsection (2), or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502 or Subsection (2) that is committed after July 1, 2001; or

(iii) any conviction described in Subsection (5)(b)(i) or (ii) for which judgment of conviction is reduced under Section 76-3-402.

[~~(5)~~] (6) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was